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 7 GAP INC.

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11
 12 JOEL RUIZ, On Behalf of Himself and All Others | Case No. C 07-5739 SC
 Similarly Situated,

13 Plaintiff,

14 v.
 15 GAP, INC., and DOES 1-9 inclusive,

16 Defendants.

**[PROPOSED] ORDER
 GRANTING DEFENDANT GAP
 INC.'S MOTION TO STRIKE
 PLAINTIFF'S CLASS
 DEFINITION OR, IN THE
 ALTERNATIVE, TO AMEND
 THE CLASS DEFINITION**

Date: September 5, 2008
 Time: 10:00 a.m.
 Room: Courtroom 1, 17th Floor
 Judge: Honorable Samuel Conti

Complaint filed: November 13, 2007

21 On September 5, 2008, the Honorable Samuel Conti heard GAP Inc.'s ("GAP") Motion to
 22 Strike Plaintiff's Class Definition or, in the Alternative, to Amend the Class Definition. Having
 23 read and considered the papers filed and arguments made by counsel, and good cause appearing
 24 therefor:

25 [IT IS HEREBY ORDERED that Gap's Motion to Strike Plaintiff's Class Definition is
 26 GRANTED.]

1 [IT IS HEREBY ORDERED that Gap's Motion to Amend the Class Definition is
2 GRANTED. Paragraph 44 of the Class Action Complaint is hereby amended to exclude those
3 persons who have suffered, or claim to have suffered, an actual identity theft, as follows:

4 All persons that have applied for a position with Gap Inc., Old
5 Navy, Banana Republic, Piperlime, Outlet Stores, or any other
6 relevant Gap brand store, through Gap's application process from
7 July 1, 2006 to July 31, 2007, and whose personal information was
8 compromised in a laptop theft from one or more of Gap's third
9 party vendors. ***This definition excludes any such person who has
suffered, or claims to have suffered, actual identity theft as a
result of the incident.]***

10 Dated: _____, 2008

11 Honorable Samuel Conti
12 NORTHERN DISTRICT OF CALIFORNIA

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